

Alexander A. Berengaut (*pro hac vice*)  
Megan A. Crowley (*pro hac vice*)  
COVINGTON & BURLING LLP  
850 Tenth Street, NW  
Washington, DC 20001  
(202) 662-5367  
aberengaut@cov.com  
mcrowley@cov.com

Rob Cameron  
Nathan D. Bilyeu  
JACKSON, MURDO & GRANT, P.C.  
203 North Ewing  
Helena, MT 59601  
(406) 389-8244  
rcameron@jmgattorneys.com  
nbilyeu@jmgattorneys.com

*Attorneys for Consolidated Plaintiff TikTok Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

---

SAMANTHA ALARIO, et al., )  
and )  
Plaintiffs, )  
TIKTOK INC., ) CV 23-56-M-DWM  
v. ) CV 23-61-M-DWM  
AUSTIN KNUDSEN, in his official )  
capacity as Attorney General of the )  
State of Montana, )  
Defendant. )

---

Consolidated Plaintiff TikTok Inc. respectfully moves the Court for a preliminary injunction enjoining the enforcement of SB 419, passed by the 2023 Montana Legislature and signed into law by Governor Greg Gianforte, titled “An Act Banning TikTok in Montana” (the “TikTok Ban”).

As more fully demonstrated in the accompanying brief, supporting declarations, and exhibits thereto, the TikTok Ban is unconstitutional. It violates the First Amendment rights of Plaintiff TikTok Inc. and the thousands of Montanans who use the TikTok application to communicate. It is preempted by federal law because it intrudes on the federal government’s exclusive authority over matters of foreign affairs and national security. And it violates the Commerce Clause of the U.S. Constitution by unduly burdening interstate commerce and discriminating against foreign commerce.

A preliminary injunction is merited here because (1) TikTok Inc. is likely to succeed on the merits; (2) TikTok Inc. is likely to suffer irreparable harm in the absence of preliminary injunctive relief; and (3) the balance of equities and the public interest favor the injunction.

In compliance with L.R. 7.1(c)(1), all other parties have been contacted concerning this Motion. Plaintiffs Samantha Alario, *et al.* do not object to the Motion. Defendant Austin Knudsen objects.

WHEREFORE, TikTok Inc. respectfully requests an Order granting the requested preliminary injunction enjoining enforcement of the TikTok Ban pending final disposition of this case.

Dated: July 5, 2023

Respectfully submitted,

/s/ Rob Cameron

Rob Cameron  
Nathan D. Bilyeu  
JACKSON, MURDO & GRANT, P.C.  
203 North Ewing  
Helena, MT 59601  
(406) 389-8244  
rcameron@jmgattorneys.com  
nbilyeu@jmgattorneys.com

Alexander A. Berengaut (*pro hac vice*)  
Megan A. Crowley (*pro hac vice*)  
COVINGTON & BURLING LLP  
850 Tenth Street, NW  
Washington, DC 20001  
(202) 662-5367  
aberengaut@cov.com  
mcrowley@cov.com

*Attorneys for Consolidated  
Plaintiff TikTok Inc.*